

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|--------------|
| WILLIAM NEAL | : | CIVIL ACTION |
| Petitioner | : | |
| | : | |
| vs. | : | |
| | : | |
| JOSEPH J. PIAZZA, et al. | : | NO. 06-162 |
| Respondents | : | |

ORDER

AND NOW, this 11th day of April, 2006, upon consideration of the pleadings and record herein, and after careful review of the Report and Recommendation of United States Magistrate Judge Charles B. Smith, it is hereby **ORDERED** that:

1. Petitioner's objections to the Report and Recommendation are **DENIED**.
2. The Report and Recommendation is **APPROVED** and **ADOPTED**.
3. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254 is **DISMISSED** as untimely.
4. There is no probable cause to issue a Certificate of appealability.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY, Sr. J.